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**Federal Communications Commission
Office of Secretary**

Angela F. Collins

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January 6, 2006

**Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554**

Re: Withdraw of Joint Application and Notification Pursuant to 47 C.F.R. § 64.1120

**WC Docket No. 05-1, ITC-T/C-20041222-00491E, Joint Application for Transfer of
Control of Con Edison Communications, LLC to FiberNet Telecom, Inc.**

**CC Docket No. 00-257 - FiberNet Telecom, Inc. and Con Edison Communications,
LLC Notification Pursuant to 47 C.F.R. § 64.1120**

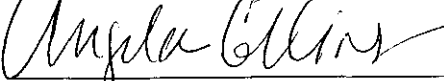
Dear Secretary Dortch:

FiberNet Telecom, Inc. ("FiberNet"), through its attorneys, hereby withdraws the Joint Application filed on December 21, 2004 in WC Docket No. 05-1 and ITC-T/C-20041222-00491E and the Notification filed on March 14, 2005 in CC Docket No. 00-257. FiberNet and Con Edison Communications, LLC did not consummate the transaction described in the Joint Application and Notification. Accordingly, FiberNet respectfully requests that the Federal Communications Commission vacate the Public Notices issued on February 7, 2005 (domestic 214) and February 3, 2005 (international 214) approving the Joint Application and close the above-referenced matters.

An original and five (5) copies of this letter are enclosed. Please date-stamp the additional copy of this letter and return it to the waiting messenger. If you have any questions regarding this filing, please contact the undersigned.

Respectfully submitted,

FiberNet Telecom, Inc.



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